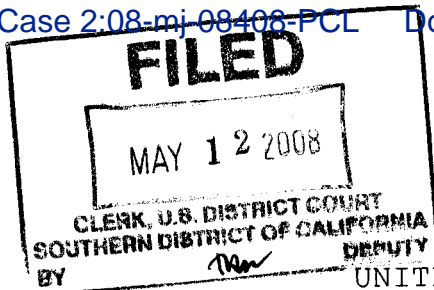


AUSA



UNITED STATES DISTRICT COURT

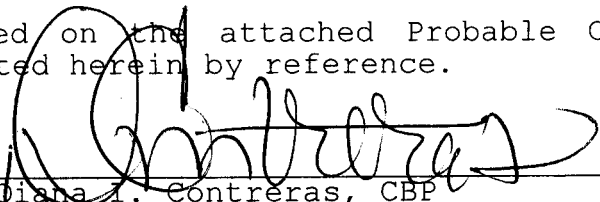
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA ) MAGISTRATE CASE NO.: '08 MJ 84 08  
 )  
 Plaintiff, ) COMPLAINT FOR VIOLATION OF  
 )  
 v. ) 8, U.S.C., § 1324(a)(2)(B)(iii)  
 ) Bringing in Aliens Without  
 Marisa Dalilah TORRES ) Presentation (Felony)  
 )  
 Defendant )

The undersigned complainant, being duly sworn, states:

That on May 8, 2008, within the Southern District of California, defendant Marisa Dalilah TORRES, with the intent to violate immigration laws of the United States, knowing and in reckless disregard of the fact that one alien, namely, Jose Alberto HERNANDEZ Medina, had not received prior official authorization to come to, enter and reside in the United States, did bring to and attempt to bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate Customs Border Protection Officer at the designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

This complaint is based on the attached Probable Cause Statement which is incorporated herein by reference.

  
 Diana I. Contreras, CBP  
 Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12<sup>th</sup>  
 DAY OF MAY 2008.

  
 HON. PETER C. LEWIS  
 UNITED STATES MAGISTRATE JUDGE

## AMMENDED PROBABLE CAUSE STATEMENT

I, Customs Border Protection Enforcement Officer Diana Contreras, declare under penalty of perjury, the following is true and correct:

On May 08, 2008, at approximately 10:20 P.M., Marisa Dalilah TORRES arrived at the Calexico, California, West Port of Entry, as the driver of a 1997 Pontiac Grand Prix.

During the primary inspection, TORRES gave a negative Customs declaration to the primary United States Customs and Border Protection Officer (CBPO) Albert Vasquez. TORRES stated that she was not bringing anything from Mexico. CBPO Vasquez asked TORRES to open the trunk. CBPO Vasquez noticed a discrepancy in the back seat area. CBPO Vasquez opted to escort the vehicle to the secondary lot for further inspection.

In secondary inspection United States Customs and Border Protection Officer (CBPO) Ernesto Pelayo asked TORRES for a declaration. TORRES stated she had a body at the back seat. TORRES was taken to the Port Enforcement Team for further disposition.

TORRES was placed under arrest and advised of her rights per Miranda in the Spanish language by United States Customs and Border Protection Enforcement Officer (CBPOE) Diana Contreras and witnessed by CBPOE Margarita Haywood. TORRES said she understood her rights and would answer questions without an attorney present. TORRES stated that she had spoken to a friend that new someone that needs people to smuggle undocumented

1 aliens into the United States. Torres contacted a man named  
2 "Jose", also know as "Chato", who needed someone to smuggle some  
3 people into the United States. TORRES stated she agreed and that  
4 she was going to get paid \$1000 to smuggle a person into the  
5 United States. TORRES also stated that she was going to drop  
6 off the undocumented alien at the Jack In The Box on Imperial  
7 Ave in Calexico, CA.

8 Material Witness Jose Alberto HERNANDEZ Medina stated that  
9 he is a citizen and national of Mexico with no legal entry  
10 documents to enter, reside or pass through the United States.  
11 HERNANDEZ Medina stated that his friend "Carlos" made the  
12 smuggling arrangements with an unknown man to have him smuggled  
13 into the United States illegally. HERNANDEZ Medina stated that  
14 his family was to pay \$2000 dollars to be smuggled into the  
15 United States and that his final destination was Los Angeles,  
16 California where he would seek employment. When presented with a  
17 photo line-up, HERNANDEZ Medina was unable to identify TORRES.

18	Material Witness Name:	Country of Birth
19	Jose Alberto HERNANDEZ Medina	MEXICO

20 Further, the complainant states that he believes said alien  
21 is a citizen of a country other than the United States; that  
22 said alien has admitted that he is deportable; that his  
23 testimony is material, that it is impracticable to secure his  
24 attendance at the trial by subpoena; and he is a material  
25 witness in relation to this criminal charge and should be held  
26 or admitted to bail pursuant to Title 18, United States Code,  
27 Section 3144.  
28

1 UNITED STATES OF AMERICA  
2 v.  
3 Marisa Delila TORRES

4 Executed on May 9, 2008, at approximately 02:10 P.M.

5   
6 Diana Contreras, CBP  
7 Enforcement Officer

8 On the basis of the facts presented in the <sup>Amended</sup> probable cause  
9 statement consisting of three pages, I find probable cause to  
10 believe that the defendant named in this probable cause  
11 statement committed the offense on May 8, 2008 in the violation  
12 of Title 8, United States Code, § 1324.

13   
14 HON. Cathy Bencivengo  
15 UNITED STATES MAGISTRATE JUDGE

16 5/9/08 @ 5:54 pm  
Date and Time

17   
18 CATHY ANN BENCIVENGO  
19 U.S. MAGISTRATE JUDGE

20 5/11/08 @ 4:25 pm